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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,208	12/21/2001	David J. Cooperberg	015290-546	9076
7590	05/15/2007		EXAMINER	
Peter K. Skiff BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			ART UNIT	PAPER NUMBER

DATE MAILED: 05/15/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

20070419

DATE MAILED:

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Commissioner for Patents

See the attached Notification of Non-Compliant Appeal Brief.



Luz L. Alejandro  
Primary Examiner  
Art Unit: 1763

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/024,208  <b>Examiner</b> Luz L. Alejandro	COOPERBERG ET AL.  <b>Art Unit</b> 1763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 08 January 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):

See Continuation Sheet.



Luz L. Alejandro  
Primary Examiner  
Art Unit: 1763

Continuation of 10. Other (including any explanation in support of the above items): The Summary of the Claimed Subject Matter of the brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters. Also, some of the limitations of each independent claims are not included in the summary. Additionally, the examiner respectfully contends that the summary of the claimed subject matter exceeds applicant's instant claimed invention. For instance, applicant's Summary of Claimed Subject Matter discusses, inter-alia, and with respect to independent claim 1, that the gas injector 22 comprises a body including an axial end surface and a side surface, which extends (upwardly) from the axial end surface; "a main gas supply 32"; "upper gas line along which the flow-restriction device 36b is arranged"; "lower gas line along which the flow-restriction device 36a is arranged"; "The same process gas composition supplied by the common gas supply...can be either a single gas, or a gas mixture."; with respect to claim 7, applicant's Summary of Claimed Subject Matter discusses, inter-alia, "the outer diameter of the gas injector defined by the side surface increases continuously in the axial direction from the axial end surface (i.e., bottom surface)."; with respect to claim 10, applicant's Summary of Claimed Subject Matter discusses, inter-alia, "The off-axis outlets inject process gas at an acute angle relative to a plane parallel to an exposed surface of the substrate."; and the like (See pages 2-7 of the Appeal Brief filed 1/08/07). Since section V (5) of the Appeal Brief is strictly related to the SUMMARY of CLAIMED Subject Matter, applicant is kindly requested to show where the present claims or independent claim do recite, for example, each and every limitation mentioned above. Furthermore, applicant is requested to amend section V (5) of the Appeal Brief (SUMMARY OF CLAIMED SUBJECT MATTER) as to only include the instant claimed limitations since it appears that applicant's SUMMARY of CLAIMED Subject matter is not commensurate in scope with the present invention as instantly claimed. See MPEP 1205.02. Furthermore, and with respect to the summary of claimed subject matter for independent claim 1, applicant's Summary of Claimed Subject Matter introduces arguments which should be included in section VII (Arguments) of the brief instead; see for example, "the term "common gas supply" means that the gas supply is adapted to supply the same gas composition to the first and second gas lines" in page 4 of the brief.